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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-497**

12 **DEANNA LYNN MERZ**  
6446 Merlot Lane  
13 Paso Robles, CA 93446

**ACCUSATION**

14 **Registered Nurse License No. 673197**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs.

22 2. On or about February 7, 2006, the Board of Registered Nursing ("Board") issued  
23 Registered Nurse License No. 673197 to Deanna Lynn Merz ("Respondent"). The Registered  
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on August 31, 2011, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 of this section, in which event the record of the conviction is conclusive evidence thereof.”

2 8. Section 2764 provides, in pertinent part, that the expiration of a license shall not  
3 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
4 to render a decision imposing discipline on the license.

### 5 REGULATORY PROVISIONS

6 9. California Code of Regulations, title 16, section 1444 states, in pertinent part:

7 “A conviction or act shall be considered to be substantially related to the qualifications,  
8 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
9 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
10 safety, or welfare.”

### 11 COST RECOVERY

12 10. Section 125.3 provides, in pertinent part, that the Board may request the  
13 administrative law judge to direct a licensee found to have committed a violation or violations of  
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
15 enforcement of the case.

### 16 FIRST CAUSE FOR DISCIPLINE

#### 17 (Conviction of a Substantially-Related Crime)

18 11. Respondent is subject to disciplinary action under section 2761, subdivision (f) and  
19 490, as defined in California Code of Regulations, title 16, section 1444, in that on or about  
20 October 03, 2008, Respondent was convicted of one misdemeanor count of violating Penal Code  
21 section 273 (a) (b) [willful cruelty to a child], in the criminal proceeding entitled *The People of*  
22 *the State of California v. Deanna Lyn Merz* (Super. Ct. San Luis Obispo County, Case No.  
23 M000421547). Respondent was placed on probation for three years, and fined. The  
24 circumstances surrounding the conviction are that on or about August 7, 2008, at approximately  
25 11:30 a.m., two San Luis Obispo Sheriff’s Deputies were dispatched to Respondent’s residence  
26 regarding a report of a female possibly intoxicated and unable to care for her two minor children.  
27 The Deputies found Respondent intoxicated and passed out in a beach chair, nude from the waist  
28 down, in her open garage. Her children, ages 7 and 11, were found unsupervised inside the

1 residence. The 7-year-old told officers that her mother had been drinking Tequila and this type of  
2 activity occurred routinely.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Dangerous Use of Alcohol)**

5 12. Respondent is subject to disciplinary action under section 2761, subdivision (a), as  
6 defined in section 2762, subdivision (b), in that on or about August 7, 2008, Respondent used  
7 alcoholic beverages to an extent or in a manner dangerous or injurious to herself and her minor  
8 children, when she passed out from being intoxicated, leaving her minor children uncared for.

9 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
10 paragraph 11, as though set forth fully.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Conviction involving the Consumption of Alcohol)**

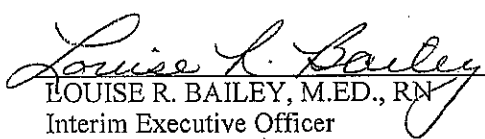
13 13. Respondent is subject to disciplinary action under section 2761, subdivision (a), as  
14 defined in section 2762, subdivision (c), in that on or about August 7, 2008, Respondent was  
15 convicted of a crime involving the consumption of alcohol. Complainant refers to, and by this  
16 reference incorporates, the allegations set forth above in paragraph 11, as though set forth fully.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
19 and that following the hearing, the Board issue a decision:

- 20 1. Revoking or suspending Registered Nurse License No. 673197, issued to Respondent;  
21 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
22 enforcement of this case, pursuant to section 125.3; and  
23 3. Taking such other and further action as deemed necessary and proper.

24  
25 DATED: 4/13/10

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant